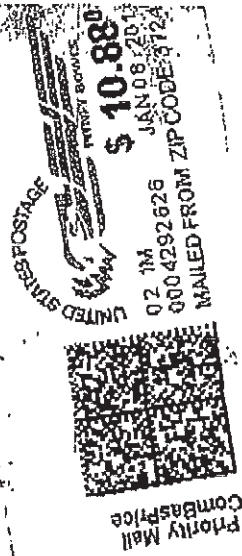


Office of Process
of Commerce & Insurance
James Robertson Pkwy.-7th Floor
Nashville TN 37243

CERTIFIED MAIL

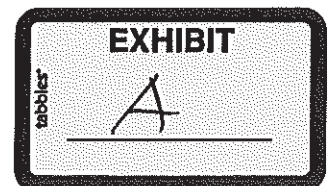


7012 3460 0802 8941 4164



TN - Raven Roof
Claim # 1729122

claims



STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

December 30, 2013

Cincinnati Insurance Company, The
P O Box 145496
Cincinnati, OH 45250
NAIC # 10677

Certified Mail
Return Receipt Requested
7012 3460 0002 8941 4164
Cashier # 13523

Re: Charles Guest, Et Al V. Cincinnati Insurance Company, The
Docket # K0039191(C)

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served December 26, 2013, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Chancery Court Clerk
Sullivan County
P O Box 327
Blountville, Tn 37617

CINTI INSURANCE CLAIMS W
STATE OF TENNESSEE
S U M M O N S

003

**CHARLES GUEST, CAROL GUEST,
 ROBERT H. MONTGOMERY, SR.
 (DECEASED), RUTH MONTGOMERY,
 ROBERT MONTGOMERY, JR. AND
 RANDALL MONTGOMERY, TRUSTEES
 FOR THE ROBERT H. MONTGOMERY
 EQUIVALENT EXEMPTION TRUST
 SUCCESSORS IN INTEREST TO ROBERT
 MONTGOMERY, SR.,**
 Plaintiff(s)

**CHANCERY COURT AT
 Kingsport**

Civil Action No. K0039191 (C)

vs.

CINCINNATI INSURANCE COMPANY,
 Defendant(s)

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to serve upon Robert J. Jessee, Jessee and Jessee, plaintiff's attorney, whose address is 412 E. Unaka, P. O. Box 997, Johnson City, TN 37605-0997, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Tested this 18th day of December, 2013. Issued this 18 day of December, 2013.

Katherine Priester

Clerk & Master

By:

Sharon K. Collier
 Deputy Clerk & Master

Received this ___ day of ___, 2013.

Sheriff - Deputy Sheriff

RETURN

certify and return that I:

served this summons together with the complaint as follows:

failed to service this summons within thirty (30) days after its issuance because:

ate

Sheriff - Deputy Sheriff

ACCEPTANCE OF SERVICE

accept service

_____, hereby accept service of process in this case as fully and in all respects, as though I had been personally served by a Deputy Sheriff of Sullivan County, and I acknowledge that I received a copy of the summons and complaint in this case.

This the ___ day of ___, 2013.

Witness

Defendant

SEE NOTICE ON BACK →

IN THE CHANCERY COURT FOR SULLIVAN COUNTY
AT KINGSFORT, TENNESSEE

CHARLES GUEST,
CAROL GUEST, ROBERT
H. MONTGOMERY, SR.
(DECEASED), RUTH
MONTGOMERY, ROBERT
MONTGOMERY, JR. AND
RANDALL MONTGOMERY,
TRUSTEES FOR THE ROBERT
H. MONTGOMERY EQUIVALENT
EXEMPTION TRUST SUCCESSORS
IN INTEREST TO ROBERT
MONTGOMERY, SR.,

Plaintiffs

VS.

Civil Action No. K0039191 (C)

CINCINNATI INSURANCE
COMPANY,

Defendant

FILED 12-18, 2013 @ 1:36 a.m./p.m.

By: Katherine Priestler, Clerk & Master
Copy - Shana K. Collier

COMPLAINT

Comes now the Plaintiffs and would show this Honorable Court as follows:

1. Plaintiffs are all citizens and residents of Sullivan County and owners of real estate located 2971 Fort Henry Drive and 2975 Fort Henry Drive, Kingsport, Tennessee.
2. The Defendant, Cincinnati Insurance Company, is licensed to do business in the State of Tennessee with its mailing address at P.O. Box 145496, Cincinnati, Ohio 45250 and its home office located at 6200 South Gilmore Road, Fairfield, Ohio 45014. Service

PREPARED BY
E & JESSBE
Attorneys at Law
OFFICE BOX 997
KINGSFORT, TENNESSEE
605-0697
1928-7175

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of process can be had on the Defendant through the Tennessee Department of Commerce and Insurance.

3. That the Plaintiffs herein have purchased from the Defendant a policy of insurance labeled Business Owners Package Policy on or about the 12th day of December, 2009 being policy number EBP0047542 covering the business and building located at 2971 Fort Henry Drive, Kingsport, Tennessee 37664. A copy of this policy is attached hereto as *Exhibit I* to this Complaint. The policy in question was issued to Dr. and Mrs. Charles Guest and Dr. And Mrs. Robert Montgomery. Dr. Montgomery died on or about the 13th day of July, 2009 and his interest in the building and business, as a result of his death, was transferred to the Robert H. Montgomery Equivalent Exemption Trust with Robert Montgomery, Jr. and Randal Montgomery trustees. Ruth Montgomery is a beneficiary of the trust which includes the property in question.

4. That between December 21, 2011 and January 26, 2012, the business and building located at 2971 Fort Henry Drive, Kingsport, Tennessee 37664 was damaged by approximately 710,600 gallons of water. The drying and reconstruction of the building costs were \$164,460.74 and the cost for the water that came through the building was \$3,200. Plaintiffs have lost rental income as a direct result of Defendant's breach of contract.

5. Plaintiffs aver that said damages were covered by the policy of insurance and that demand has been made to the Defendant.

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E & JESSEE
Attorneys at Law
PO BOX 997
KINGSPORT, TENNESSEE
605-0997
1928-7175

Page 2 of 4

6. Plaintiffs aver that the Defendant has breached its contract of insurance with the Plaintiffs and is estopped legally to deny coverage on the policy in question.

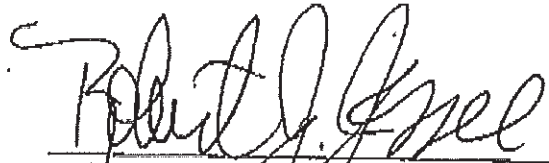
7. Plaintiffs avers that they duly filed a claim on the policy in question and received a denial of the claim by the Defendant on or about the 21st day of March 21, 2012, a copy of which is attached hereto as *Exhibit 2*.

8. Plaintiffs aver that pursuant to *Tennessee Code Annotated* Section 56-7-105 that the Defendant denied the claim in bad faith and that the Plaintiffs are entitled to additional damages pursuant to said statute including but not limited to, prejudgment interest, lost rent, loss of use of the building, and attorney's fees.

WHEREFORE, Plaintiffs pray:

1. That process issue and be served on the Defendant through the Tennessee Department of Commerce and Insurance.
2. That the Plaintiffs be awarded judgment in an amount not to exceed \$287,660.74 for the breach of the insurance contract by the Defendant for damages and lost rental income.
3. That the Plaintiffs be awarded additional damages pursuant to *Tennessee Code Annotated* Section 56-7-105 for the Defendant's bad faith refusal to pay the claim in an amount not to exceed \$100,000.
4. That the Plaintiffs have such other general and further relief to which they may show themselves entitled to upon a hearing of this cause.

Respectfully submitted,



Robert J. Jessee
Attorney for CHARLES GUEST,
CAROL GUEST, ROBERT H.
MONTGOMERY, SR. (DECEASED),
RUTH MONTGOMERY, ROBERT
MONTGOMERY, JR. AND RANDALL
MONTGOMERY, TRUSTEES FOR THE
ROBERT H. MONTGOMERY
EQUIVALENT EXEMPTION TRUST
SUCCESSORS IN INTEREST TO
ROBERT MONTGOMERY, SR.
P.O. Box 997
412 East Unaka Avenue
Johnson City, TN 37605
423-928-7175
BPR# 005775

COST BOND

We acknowledge ourselves as security for costs.

JESSEE AND JESSEE

By: 

Robert J. Jessee

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R & JESSEE
745 S. 1st Ave
PO BOX 997
JOHNSON CITY, TENNESSEE
605-0957
423-928-7175

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